IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

ADMIRALITY SUIT No 6 of 1999

with

MISC.CIVIL APPLICATION No. 20 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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CAPTAIN M.A.NOOR.

Versus

M.V.FREETRADER

Appearance:

Capt. M.A. noor party-in-person-Plaintiff No.1

Mr. Y.N. Ravani, Counsel for plaintiffs No.2 to 8.

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 06/09/2001

ORAL JUDGEMENT

Plaintiffs No. 2 to 8 have filed a Purshis signed by Mr. Gurmit Singh, plaintiff No.3 submitted through the learned advocate.

2. Capt. Mr. M.A. Noor, plaintiff No.1 who is

present, states that he is in agreement with this Purshis filed by plaintiffs No. 2 to 8 and that he may be permitted to sign this purshis so that he would become a party to the purshis. Plaintiff No.1 Capt. M.A. Noor is permitted to sign the purshis. Plaintiff No.1 Capt. M.A. Noor has accordingly signed the purshis.

3. The order dated 30-8-2001 suggests that the defendant-ship has been sold by auction and Rs. 26,51,000/- have been realised, that out of the sale proceeds, Rs. 7,000/- being the expenses for conducting the auction of the ship have already been deducted, whereas Rs. 1,00,000/- by way of redemption charges, and Rs. 25,000/- approximately by way of expenses incurred by Union of India towards maintenance of the ship and other miscellaneous expenses are still to be recovered out the sale proceeds.

4. It is stated in the purshis by the plaintiffs that pursuant to the order dated 30th August 2001, Rs. 1,25,000/- are to be kept separately and now the amount available for disbursement is Rs. 25,09,000/-, and in proportion to the salary/wages, the said amount would be disbursed amongst the crew members, i.e., all the plaintiffs as per Schedule-II of this purshis.

5. In view of the above, the suit claim will be satisfied on payment of the amount shown to each of the plaintiffs as per Schedule-II. The Suit is accordingly decreed. This purshis along with Schedule-II shall form part of the decree. Each of the plaintiffs shall be paid the amount shown against their names in Schedule-II. The Suit disposed of as decreed accordingly with no order as to cost. The payment to each of the plaintiffs as above shall be by way of Account Payee cheques.

6. In view of the order passed in the Suit, the Miscellaneous Civil Application No. 20 of 2000 does not survive and disposed of accordingly.

rmr. [N.G. Nandi, J.]